

### REMARKS

Claims 1-32 are pending in this application and have been rejected. Applicants respectfully requests reconsideration of the claims in view of the following remarks.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu, et al., U.S. Patent Application 2004/0029323 A1, (hereinafter referred to as "Shimizu"). This rejection is hereby respectfully traversed.

In the remarks, Examiner asserted that with respect to Claims 1 and 14, the Shimizu reference discloses a "similar" device and method. However, Examiner does not particularly point out where the claimed methods and devices are disclosed.

Claim 1 is exemplary of the pending claims and specifically recites:

A CMOS structure having a silicon nitride layer in which stress is relaxed by implantation therein of oxygen-containing or carbon-containing ions.

The background of the application provides that it is known to relax the stress in a silicon nitride layer by implanting Ge ions. (Paragraph 7.) Applicants submit that the reference relied upon, Shimizu, is merely cumulative to the prior art disclosed in the background and does not show, teach or suggest the ion implantation claimed and disclosed by Applicants. Shimizu never describes oxygen or carbon containing ions, and therefore does not anticipate the claimed invention under §102, since the invention is not identically described. Accordingly, Applicants believe that Claim 1 is not anticipated by the reference, and is patentable over the reference. Reconsideration and allowance are requested.

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Claims 2-7 depend from and include the patentable limitations of Claim 1, and are also therefore allowable. Reconsideration and allowance is therefore requested.

Claim 8 recites the oxygen or carbon containing ions of Claim 1, and in addition, recites a contact etch stop layer that Examiner admits is not shown or taught by the reference. Accordingly the elements of Claim 8 are not disclosed in the relied upon reference and it too is believed to be allowable. Reconsideration and allowance are requested.

Claims 9-13 depend from and include the patentable limitations of Claim 8, and are also therefore believed to be allowable. Reconsideration and allowance is therefore requested.

Claim 14 is a method claim which recites steps for forming the structure of Claim 1. Claim 14 is also therefore not disclosed in the reference and is allowable for the reasons given above with respect to Claim 1. Accordingly, reconsideration and allowance is requested.

Claims 15-24 depend from, incorporate the steps of, and add additional method steps to Claim 14. These dependent claims are also believed to be allowable. Reconsideration and allowance is requested for these claims.


Claim 25 is a method claim that recites steps for forming the structure of Claim 8 and is also therefore not disclosed in the reference and is allowable for the reasons given above with respect to Claims 1 and 8. Accordingly reconsideration and allowance is requested.

Claims 26-32 depend from, incorporate the steps of, and add additional method steps to Claim 25. These dependent claims are also believed to be allowable.

Reconsideration and allowance is requested for these claims.

The remarks herein are believed to be fully responsive to the Examiner's Action and place the claims in condition for allowance. Applicants request that the case be allowed and passed to issue. However, should there remain unresolved issues that require adverse action, it is respectfully requested that Examiner telephone Mark E. Courtney, Applicants' attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge Deposit Account No. 50-1065.

1/3/2005  
Date

  
Mark Courtney  
Reg. No. 36,491  
Attorney for Applicants

Slater & Matsil, L.L.P.  
17950 Preston Rd., Suite 1000  
Dallas, TX 75252  
Tel: 972-732-1001  
Fax: 972-732-9218

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